

REMARKS

CLAIM REJECTIONS - 35 U.S.C. § 103

Claims 1, 2, 4, 10-12, 46, 47, 49, 74-78 and 82

Claims 1, 2, 4, 10-12, 46, 47, 49, 74-78 and 82 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Gould* in view of U.S. Patent No. 5,642,353 issued to Roy, III et al. (*Roy*). Applicant submits claims 1, 2, 4, 10-12, 46, 47, 49, 74-78 and 82 are not obvious in view of *Gould* and *Roy* for at least the reasons set forth below.

Independent claim 1 recites, in part, the following:

determining the quality of the wireless data transmission based on a quality parameter of the wireless data transmission, wherein the quality parameter is based on a ratio of signal statistics to error rate statistics

Independent claims 46 and 76 recite similar limitations.

Gould discusses displaying a bar graph of bit error rates. See column 5, lines 14-29. However, *Gould* does not teach or disclose a quality parameter that is based on a ratio of signal statistics to error rate statistics. Thus, *Gould* fails to teach or disclose at least one limitation in each of the independent claims.

Roy was cited as disclosing a spatial multiplexing system. Whether or not *Roy* teaches the limitations cited in the Office action, *Roy* does not teach or disclose a quality parameter that is based on a ratio of signal statistics to error rate statistics. Thus, *Roy* fails to cure the deficiencies of *Gould*. Therefore, Applicant respectfully submits claims 1, 46 and 76 are not obvious in view of *Gould* and *Roy*.

Claims 2, 4, 10-12 and 74 depend from claim 1. Claims 47, 49 and 75 depend from claim 46. Claims 78 and 82 depend from claim 76. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits

claims 2, 4, 10-12, 47, 49, 74-75, 77-78 and 82 are not obvious in view of *Gould* and *Roy* for at least the same reasons claims 1, 46 and 76 are not obvious.

Claims 3, 5-9, 13-15, 48, 50-56 and 80-83

Claims 3, 5-9, 13-15, 48, 50-56 and 80-83 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gould* in view of *Roy*, and further in view of various other cited references: specifically, claims 3, 5, 48 and 75 in view of U.S. Patent No. 6,141,388 issued to Servais et al. (*Servais*); claims 6, 13 and 14 in view of U.S. Patent No. 6,732,323 issued to Mitlin et al. (*Mitlin*); claim 8 in view of U.S. Patent No. 5,682,489 issued to Harrow et al. (*Harrow*); claim 15 in view of Japanese Patent No. JP405322946 issued to Fujii et al. (*Fujii*); claim 7 in view of *Servais* and *Mitlin*; claim 9 in view of *Servais* and *Harrow*; claim 50 in view of *Servais* and further in view of U.S. Patent No. 6,636,994 issued to Waschura et al. (*Waschura*); claims 51, 56 and 83 in view of U.S. Patent No. 5,715,136 issued to Noe et al. (*Noe*); claims 52 and 55 in view of U.S. Patent No. 5,136,528 issued to Fordham et al. (*Fordham*); claim 53 in view of *Servais*, *Waschura*, and *Noe*; claim 54 in view of *Servais*, *Waschura*, and *Fordham*; claims 80 and 81 in view of *Waschura*; Applicant notes that the examination of the claimed invention and the application of these numerous references is a significant task; Applicant thanks the Examiner for the thorough examination and the thorough analysis of the references.

Claim 15 has been cancelled without prejudice. Therefore the rejection of this claim is moot. Applicant respectfully submits that claims 3, 5-9, 13-14, 48, 50-56 and 80-83 are not rendered obvious by the cited references for at least the following reasons. Each of the rejections made above is based on the application of *Gould*, shown above to be defective with respect to independent claims 1, 46 and 76 from which each of the above-listed dependent claims depends. The cited references do not cure the deficiencies of *Gould* noted above with respect to the

independent claims. Applicant respectfully submits that a prima facie case of obviousness under MPEP § 2143 has not been established with respect to independent claims 1, 46 and 76 at least for failing to establish that the cited references disclose every element of the claimed invention. Because the independent claims are nonobvious, the dependent claims are also nonobvious. See MPEP § 2143.03.


CONCLUSION

In view of the amendments and remarks set forth above, Applicant submits that claims 1-14, 46-56 and 74-78 and 80-83 are in condition for allowance and such action is respectfully solicited. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.


Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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